

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 2, 4, 11, and 13 are pending; Claims 2 and 11 are amended; and Claims 1, 3, 5-10, 12, and 14-20 are canceled. It is respectfully submitted that no new matter is added by this amendment.

In the outstanding Office Action, Claim 2 was objected to; Claims 3, 7, 12, and 16 were rejected under 35 U.S.C. § 112, first paragraph; Claims 5-9, 14-17, and 19 were rejected under 35 U.S.C. § 112, second paragraph; Claims 1, 9, 10, 18, and 20 were rejected under 35 U.S.C. § 102(e) as anticipated by Norris (U.S. Pat. No. 6,718,328); Claims 2, 4, 11, and 13 were rejected under 35 U.S.C. § 103(a) as unpatentable over Norris in view of Jindal et al. (U.S. Pat. No. 6,092,178, hereafter Jindal); Claims 5, 6, 8, 14, 15, 17, and 19 were rejected under 35 U.S.C. § 103(a) as unpatentable over Norris in view of Jindal and further in view of Sachs et al. (U.S. Pat. No. 6,331,865, hereafter Sachs); Claims 2-4 and 11-13 were rejected under 35 U.S.C. § 103(a) as unpatentable over Choquier et al. (U.S. Pat. No. 5,774,668, hereafter Choquier) in view of Norris and Jindal; and Claims 6-8 and 15-17 were rejected under 35 U.S.C. § 103(a) as unpatentable over Choquier, Norris, Jindal, and Sachs.

At the outset, the present specification has been amended to correct informalities at pages 12 and 16. Because these amendments are supported by Figures 7 and 8, it is respectfully submitted that no new matter is added by this amendment to the specification.

With respect to the objection to Claim 2, the noted informality has been addressed herewith. An analogous amendment has been made to Claim 11. It is therefore respectfully requested that this objection be withdrawn.

Regarding the rejection of Claims 3, 7, 12, and 16 under 35 U.S.C. § 112, first paragraph and of Claims 5-9, 14-17, and 19 under 35 U.S.C. § 112, second paragraph, those

claims have been canceled herewith. It is therefore respectfully submitted that these rejections have been rendered moot by the present amendment.

With regard to the rejection of Claims 1, 9, 10, 18, and 20 under 35 U.S.C. § 102(e) as anticipated by Norris, that rejection is respectfully traversed. As Claims 1, 9, 10, 18 and 20 have been canceled herewith, it is respectfully submitted that this rejection is now moot.

With respect to the rejection of Claims 2, 4, 11, and 13 under 35 U.S.C. § 103(a) as unpatentable over Norris in view of Jindal, that rejection is also respectfully traversed.

In the past, orders via the Internet were sequentially allocated to the respective content servers from the DNS server, even if a certain content server had a particularly large load. Because clients could also directly access the content servers, when the load to the content servers became very high, it was not possible to restrict access to the content servers.¹ In light of these difficulties, the Applicant developed the present invention, as recited, for example, in Claim 2.

To this end, Claim 2 recites in part:

an order reception and content transmission system configured to accept an order for a content, which is requested from a client via a network
...

wherein the content servers are unconditional and transmit the content to the client in response to a second access request from the client using the permission ticket.

Claim 11 recites analogous features. Support for this amendment may be found, for example, at page 4, lines 5-7, and at pages 8-9 of the specification.

Norris relates to a system and method for providing controlled and secured access to network resources. Norris describes that a content server has the ability to receive requests for content and can deliver content to users. The content server of Norris is configured to recognize requests for content that require authentication, process the tokens, and verify the

¹ Specification, pages 2-3.

validity of the tokens. If the token is valid, the server delivers the content to the user. If the token is invalid, the server denies the user access to the content.² As this description indicates, Norris requires that a token is validated each time a request for content arrives. In other words, a previously validated token must be revalidated upon each request.

By contrast, amended Claims 2 and 11 recite that “the content servers are unconditional and transmit the content to the client in response to a second access request from the client using the permission ticket.” Accordingly, it is respectfully submitted that Claims 2 and 11 patentably distinguish over Norris.

Because Jindal is not relied upon by the outstanding Office Action to provide this feature identified as deficient in Norris, Jindal is not substantively addressed herewith.

Accordingly, as neither Norris or Jindal, either alone or in combination, discloses or suggests the features of Claims 2 and 11, it is respectfully submitted that Claims 2, 4, 11, and 13 patentably distinguish over the applied combination. It is therefore respectfully requested that this rejection be withdrawn.

With respect to the Official Notice at pages 5 and 10 of the outstanding Office Action, Applicant respectfully requests that a reference be cited in support of the assertion that “enforcing expirations on access control mechanisms is old and well established in the art of access control as a method of preventing replay attacks (using the same access mechanism at a later time).” If no reference is cited to support this assertion, it is respectfully submitted that the rejection of Claims 4 and 13 must be withdrawn.

Moreover, it is respectfully submitted that there is no basis in the teachings of either Norris or Jindal to support the applied combination. Certainly, the outstanding Office Action fails to cite to any specific teachings in either reference to provide motivation in support of the combination of Norris and Jindal. Consequently, it is respectfully submitted that the

² Norris, col. 3, lines 24-33.

applied combination of references is the result of hindsight reconstruction in view of the Applicant's own specification, and is improper.

With regard to the rejection of Claims 5, 6, 8, 14, 15, 17, and 19 under 35 U.S.C. § 103(a) as unpatentable over Norris in view of Jindal and further in view of Sachs, that rejection has been rendered moot by the present amendment, as Claims 5, 6, 8, 14, 15, 17, and 19 have been canceled herewith.

Regarding the rejection of Claims 2-4 and 11-13 under 35 U.S.C. § 103 (a) as unpatentable over Choquier in view of Norris and Jindal, that rejection is also respectfully traversed.³

As admitted in the outstanding Office Action at page 9, Choquier fails to disclose or suggest using a permission ticket. Thus, Choquier necessarily fails to disclose or suggest the Claim 2 feature that "the content servers are unconditional and transmit the content to the client in response to a second access request from the client using the permission ticket."

As noted above, Norris also fails to disclose or suggest this feature of Claims 2 and 11. Because Jindal is not relied upon by the outstanding Office Action for this deficient feature of Norris, Jindal is not substantively addressed herewith.

Accordingly, as none of Choquier, Norris, or Jindal, either alone or in combination, discloses or suggests the features of independent Claims 2 and 11, it is respectfully requested that the rejection of Claims 2, 4, 11, and 13 be withdrawn.

It is also respectfully submitted that there is no basis in the teachings of either Choquier, Norris, or Jindal to support the applied combination. Certainly, the outstanding Office Action fails to cite to any specific teachings in any of these three references to provide motivation in support of the combination of Choquier, Norris, and Jindal. Consequently, it is

³ Claims 3 and 12 have been cancelled herewith, thereby rendering their rejection moot.

respectfully submitted that the applied combination of references is the result of hindsight reconstruction in view of the Applicant's own specification, and is improper.

With regard to the rejection of Claims 6-8 and 15-17 under 35 U.S.C. § 103(a) as unpatentable over Choquier, Norris, Jindal, and Sachs, that rejection has been rendered moot by the cancellation of these claims.

Consequently, in view of the foregoing discussion and present amendments, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)
KDP/rac

Katherine D. Pauley
Registration No. 50,607